

**FLATHEAD COUNTY BOARD OF ADJUSTMENT**  
**MINUTES OF THE MEETING**  
**JUNE 02, 2020**

**CALL TO ORDER**      A meeting of the Flathead County Board of Adjustment was called to order via  
**6:01 PM**              teleconference through WebEx. Board members present were Ole Netteberg,  
Gina Klempel, Cal Dyck, Tobias Liechti, and Roger Noble. Erik Mack and  
Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 7 members of the public in attendance.

**APPROVAL OF**      Klempel motioned, seconded by Noble, to approve the May 5, 2020 minutes as  
**MINUTES**              written.

**6:02 PM**

The motion passed on a 4-0 roll call vote. Liechti was offline at that moment.

**PUBLIC**                      None  
**COMMENT**  
*(Public matters that*  
*are within the*  
*jurisdiction of the*  
*Board 2-3-103*  
*M.C.A)*  
**6:03 PM**

**BIGFORK**  
**VOLUNTEER**  
**FIRE DEPT**  
**(FPAE-20-01)**  
**6:04 PM**

A request by Bigfork Volunteer Fire Department to construct a new fire department on a parcel located in the Bigfork Zoning District. Dan Elwell, Chairperson, Bigfork Fire District Board of Trustees gave notice to the Flathead County Board of Adjustment that they intend to purchase land for the construction of a new fire station in an area zoned R-2 (One-Family Limited Residential), which is contrary to zoning regulations adopted by Flathead County. Pursuant to 76-2-402, MCA the board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use.

**PUBLIC**  
**COMMENT**  
**6:05 PM**

Chany Ockert, 255 Echo Chalet Dr., spoke in support of the Bigfork Fire Department's purchase of the land. She was a member of the Bigfork Land Use Advisory Committee (BLUAC) but made this comment as a private citizen.

**RANGER  
SPRINGS INC.  
(FCU-20-01)  
6:08 PM**

A request by Ranger Springs Inc., for a conditional use permit to operate a Camp and Retreat Center to allow for a community accessible farm for people to engage in farm chores and activities on property located at 6810 and 6840 Highway 35 within the Bigfork Zoning District. The applicants are proposing to use less than 1/10 of the 6,500 spaces for parking on properties containing approximately 156.5 acres.

**STAFF REPORT  
6:09 PM**

Mack reviewed the Staff Report FCU-20-01 for the board.

**BOARD  
QUESTIONS  
6:18 PM**

Noble was confused about the exact location of the property and asked for clarification. Staff pointed out that had been a discrepancy with the acreage. The staff report reflected the central location. The map, which came with the packet and was submitted by the applicant, showed the entire acreage. Noble did not see that the maps lined up. Staff further discussed this until there was clarification.

Klempel wondered if there was going to be any security measures for large events. Staff pointed out that condition #16 addressed traffic control, however, security measures were not addressed at BLUAC nor in the staff report. He left that up to the applicant to address.

**APPLICANT  
PRESENTATION  
6:23 PM**

Reed Darrow, 1355 Creekside Ct, discussed the long time agreement to restore the farm and create an environment, which would enhance the agricultural facilities and operation that the community could be proud of. They intended to use it as an educational center for children and other groups.

Doug Averill was an applicant and had prepared a presentation and read it into the record. He addressed the correction of information which had been discussed at last BLUAC as well as information sent out. He discussed access to the property. He talked about the history of the Neighborhood Plan and BLUAC. He emphasized that it was important to work with facts and not rumors. He added discussion regarding the difference between agricultural and camp/retreat use and his desire to roll-over events if not all events are used per year.

**BOARD  
QUESTIONS  
6:44 PM**

None

**PUBLIC  
COMMENT  
6:44 PM**

Jill Stuart, 620 Ramsfield Road, spoke in opposition of the application. She represented the neighbors that participated in the comment letter, including the 40 neighbors who signed the letter. She was pleased with progress on the property that had been made. She was concerned with no restrictions and the potential of what could happen. She was satisfied with BLUAC's conditions but was concerned about the 'rolling over' of events.

Chany Ockert, 255 Echo Chalet, spoke in support of the application as recommended by BLUAC. She was in agreement with allowing the rollover of events.

Melissa Jenkins, 655 Parker Lake Rd, supported the intent of the application but was concerned about security and traffic. She voiced concern over the 9:30 pm time limit as it had not been conditioned by BLUAC. She also hoped there could be some type of compromise over the idea of rolling over events.

Tricia Pollett, 177 Parker Lake Road, spoke in favor of the application but had hesitations. She believed in preserving the historical use but was disheartened that they are already working to get around the BLUAC discussion and conditions.

**APPLICANT  
REBUTTAL  
6:58 PM**

Averill addressed the concern of a security. They had done many large events at Flathead Lodge and did not find the need for security as it was not a problem. They worked with police and highway patrol for traffic control. He also explained his reasoning for choosing 9:30 pm as a closing time as being difficult to get an event in after the end of a work day. The idea of a rollover was not a conspiracy theory, it was really just in response to the coronavirus and losing business.

**BOARD  
DISCUSSION  
7:03 PM**

Noble asked the applicants to elaborate on the roll over policy and how it would work. Averill said they had not given it a lot of thought but the idea was, if they had a scheduled event cancel, there would be an option to roll it over to the following year so that they wouldn't lose money.

Noble asked Mussman asked about condition #18, which would normally be a standard inspection at 12 months but BLUAC had changed it to *each* 12 months. He wondered if that could be legally done. Mussman replied that he could not respond to the legal ramifications, however, there had been other conditional use permits (CUP) with a more rigorous inspection schedule for compliance. Regulations required that a CUP must be in place and operational within 12 months of approval (unless an extension had been requested). He said that if the board felt it was important to set those guidelines, he did not see any legal

ramifications. If they developed their entire request, within 5 years, he did not see a reason to do annual inspections after the 6<sup>th</sup> year, 7<sup>th</sup> year, and so on. If there was any question that they were violating their conditions of approval, a violation upon complaint, it would require a site visitation. Inspecting it once a year, for an undetermined amount of years, would be a little excessive. Noble agreed.

Noble felt they had worked through a lot of the concerns with BLUAC and the applicant seemed comfortable with those limitations.

Klempel believed that every single camp and retreat that had come before the board has had hours of operation as a conditions and believed that it should be placed as a condition. Dyck said it was addressed in finding of fact #13 (as amended by BLUAC).

Netteberg questioned if it was strictly a day use idea and the applicant confirmed that it was. Netteberg agreed with Klempel that the time limit should be a condition. Netteberg also felt requiring a yearly inspection was a moot point because, if there was a complaint, there would be an inspection to follow. Klempel agreed.

Liechti was in agreement and felt that the inspection at the 1 year mark was sufficient and they should delete the 'each' before 12 month inspection [as suggested by BLUAC]. He also felt that they should add a condition regarding operating hours which would say 'until 9:30 pm.', and although it was in the findings of facts, they would typically have a condition for operating hours.

Dyck felt they should specifically state that events could go until 9:30 pm but farming typically went from daylight to dark. Farming would not entail all the music and noise from people. He asked the board about putting 9:30 pm as the closure time of any event other than educational events having to do with farming.

Liechti was in agreement and noted that there were several conditions that specified large events, and therefore, they should specify the time limits for large events.

Dyck wanted clarification from the applicant that this was considered a day use camp concept and not something where they would be there for a week at a time. He wondered if that would be too restrictive. Klempel agreed that it

should be restricted to day use. She felt the concept was good and she wanted it to succeed but she did feel it needed to be limited to day use. She did not think that there should be concerts, weddings, or any other venues other than what was presented in the application.

Averill said that they were talking about day use events; the educational programs were day use programs. They would likely see 4 or 5 kids that would live on site that would be doing daily programs as well. Those kids would work from daylight to dark and would sleep there as well. They have always envisioned that there would be a small number of people that would live on site [similar to a Boy Scout Camp]. He said they were going to make it up as they go because they did not have a cut and dry plan yet.

Dyck questioned if they set up a limit of staff, which could be anything from volunteer to paid staff, but not to exceed 25 staying [overnight] staying overnight at any one time. Averill felt that was acceptable.

Klempel felt that was in line and a good suggestion which clarified some of the gray matter areas.

Netteberg was looking at the map of the buildings and did not see tent camp written on it but it sounded like a great idea.

Noble felt it was a good concept to include and would support that.

Liechti said it sounded good to him.

Noble asked for clarification on the discrepancy between the board conditions of approval and the BLUAC's conditions of approval. Noble specifically wondered how it could go from 1,500 per event to having BLUAC increase it to 4500 attendees per event. Averill explained that the 1,500 number was from the initial BLUAC discussion of the rodeo, which they used that as their bench mark number for large events. During the second BLUAC meeting, information was corrected that the Bigfork Rodeo actually attracted 6,000 people and so they upped the number to be more in line with the actual numbers of the rodeo. He also clarified that it was meant for 4,500 in one day or spread over 3 days.

Dyck wanted to revisit the concept of the [event] rollover. He understood the magnitude of putting [events] together but he also felt that there should be a

limit on what would be fair and equitable. They continued to discuss the potential guidelines of conditions that they could place on the rollovers. They were concerned that the rollovers would accumulate and wanted to add some guidelines but allow [the applicant] to recoup some of his cost, allowing the event to only roll forward one time. Averill said that was what they had in mind.

Klempel questioned the applicant if there was an intent to shuffle events from the Flathead Lake Lodge to this location. Averill clarified that was not his intention.

**MAIN MOTION  
ON TO ADOPT  
F.O.F.  
(FCU-20-01)  
7:31 PM**

Noble made a motion, seconded by Netteberg, to accept amended Staff Report FCU-20-01, as Findings-of-Fact.

**BOARD  
DISCUSSION  
7:32 PM**

None

**ROLL CALL TO  
ADOPT F.O.F.  
(FCU-20-01)  
7:32 PM**

The motion passed unanimously on a roll call vote.

**BOARD  
DISCUSSION  
7:33 PM**

They discussed changing the conditions to reflect the recommended conditions from BLUAC.

Noble clarified that his motion was to accept the findings of facts with amended conditions but wanted to make the changes in the conditions so that the findings would be consistent with the conditions when it was time to address those. He wanted to amend the motion so that they could amend the findings.



**MOTION TO  
AMEND FINDING  
OF FACTS  
#10 and #13  
7:33 PM**

Noble motioned, seconded by Netteberg, to amend a portion (#10 and #13) of the Finding of Facts to state the following:

10. Traffic generated by the camp/retreat center would likely have a minimal impact on the roads because county roads would be utilized as secondary access, the primary access is via Highway 35 a paved two-lane MDT maintained road, event traffic would be minimalized by use of a shuttle and normal operation of the camp/retreat center would increase traffic by 0.1% on the highway the greatest, traffic generated will be limited to the duration of the temporary event and temporary traffic control measures could be put in place to reduce traffic problems for large events ~~with over 1,500 people.~~

13. The hours of operation could have a negative impact on the surrounding neighborhood because the neighbors have commented they would like to see events end by ~~9:00PM~~ 9:30PM and the applicant has stated most ~~activities would occur during the day time hours but some events could last into the evening.~~

**BOARD  
DISCUSSION  
7:36 PM**

None

**ROLL CALL TO  
AMEND FINDING  
OF FACTS  
#10 and #13  
7:36 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO  
MODIFY  
CONDITIONS  
(FCU-20-01)  
7:37 PM**

Noble made a motion, seconded by Netteberg, to amend the following conditions of FCU-20-01 to state:

8. The applicant shall contact the Montana Department of Transportation ~~and Flathead County~~ to determine if an updated approach permit must be obtained, applicable to camp/retreat center ~~and scheduled events.~~ A copy of the approved permits, if required, shall be available upon request by Flathead County Planning and Zoning.

~~15. The applicant shall limit large events to two per year. A large event shall consist of an event drawing more than 500 attendees but not more than 4500 attendees over a maximum three day period. The applicant shall limit profit generating events with attendance of more than 1,500 people to not more than two a year.~~

16. Work with Montana Department of Transportation, Montana Highway Patrol and the Flathead County Sheriff's Office to provide adequate traffic control measures for the ~~two profit generating large events of over 1,500 attendants.~~

~~17. This is a day use camp is for educational purposes staffing whether paid or~~

*volunteer would not exceed 25, not including large events. .The operation of the daily activities for the camp and retreat center shall be limited to 300 people a day for school trips, bar b-que events and other small activities that are not profit generating events for the charity.*

*19. Large events hours of operation shall be from 8:00AM to 9:30PM.*

*20. The applicant will be allowed to roll-over large events a maximum of one time to the next year and they would be the same event that was scheduled the preceding year and would sunset the following year.*

**BOARD  
DISCUSSION  
7:37 PM**

Noble was onboard with a couple of the recommendations that BLUAC had made for conditions. The board discussed the recommended modifications, made by BLUAC in great detail, reading each one out loud. They decided to add Condition #20 pertaining to roll over events. They also discussed amending Condition #17 to address being a day use camp and restrictions that would accompany it.

**ROLL CALL TO  
AMEND  
CONDITIONS  
(FCU-20-01)  
7:46 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO  
APPROVE  
(FCU-20-01)  
7:47 PM**

Noble motioned, seconded by Netteberg, to approve FCU-20-01.

**ROLL CALL TO  
APPROVE WITH  
MODIFICATION  
(FCU-20-01)  
7:47 PM**

Motion passed unanimously on a roll call vote.

**OLD BUSINESS  
7:49 PM**

None

**NEW BUSINESS  
7:49 PM**

Mussman discussed the upcoming agendas and the intention of having an in-person meeting starting in July. The setup and logistics of those meetings are still being sorted through.



**ADJOURNMENT**  
**7:52 PM**

The meeting was adjourned at approximately 7:52 pm pm on a motion by Klempel and seconded by Netteberg. The next meeting will be held at 6:00 pm on July 7, 2020.

  
\_\_\_\_\_  
Cal Dyck, Chairman

  
\_\_\_\_\_  
Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED 7/7/2020